

# HOUSE BILL No. 1328

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3.

**Synopsis:** Package liquor store license ownership transfers. Provides that the alcohol and tobacco commission (commission) may consider denying an application to renew or transfer only the ownership of a liquor dealer permit for a package liquor store (package liquor permit) if the commission: (1) determines that the business is in a residential district and the business will unreasonably interfere with the peace, comfort, or enjoyment of the life and property of the occupants of the district; or (2) receives a remonstrance bearing the signatures of at least 51% of the registered voters of the residential district. (Under current law this provision applies only to an application for a new retailer permit or a new liquor dealer permit.) Requires the commission to consider the continued desirability of the location for which a permit was issued in approving a renewal or an ownership transfer of a package liquor permit. (Current law requires the commission to consider these factors only if the application is for a new permit or the transfer of the location of an existing permit.)

**Effective:** July 1, 2014.

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January 15, 2014, read first time and referred to Committee on Public Policy.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1328

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 7.1-3-19-13 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~New Permits in~~  
3       ~~Residential Districts: Duty of Commission.~~ **(a) This section applies to**  
4       **the following:**

- 5               **(1) An application for a new retailer's permit.**  
6               **(2) An application for a new liquor dealer's permit.**  
7               **(3) An application to transfer the ownership of a liquor**  
8               **dealer's permit for a package liquor store.**  
9               **(4) An application to renew a liquor dealer's permit for a**  
10              **package liquor store.**

11       **(b)** The commission shall have the duty in considering an  
12       application ~~for a new retailer's permit of any type, or a new liquor~~  
13       ~~dealer's permit,~~ to determine **the following:**

- 14              **(1)** Whether the business to be conducted by the applicant  
15              **pursuant to under the proposed** permit will be located within a  
16              residential district. ~~and if so,~~



(2) If the permit will be located within a residential district, whether the conduct of the business pursuant to under the proposed permit will unreasonably impair and interfere with the peace, comfort, or enjoyment of life and property of the occupants of the residential district or any of them.

(c) The commission:

(1) shall deny the an application described in subsection (a)(1) and (a)(2) if it the commission finds in the affirmative on both questions set forth in subsection (b); and

(2) may deny an application described in subsection (a)(3) and (a)(4) if the commission finds in the affirmative on both questions set forth in subsection (b), by considering the factors set forth in section 17 of this chapter.

SECTION 2. IC 7.1-3-19-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~New Permits in Residential Districts: Notice.~~ (a) The commission shall have the duty in making the determinations provided in ~~IC 1971, 7.1-3-19-13;~~ **section 13 of this chapter** to publish notice that an application for a new permit, renewal of a permit, or transfer of the ownership of a permit is pending and that a public hearing will be held on the application at a time and place to be stated in the notice.

(b) The notice shall state that at the hearing, residents of the residential district may appear and be heard in favor of, or in opposition to, the granting of the permit, **the renewal of the permit, or the transfer of the ownership of a permit** and may, if they desire to, present a verified written remonstrance against the granting of the permit, **renewal of the permit, or transfer of the ownership of the permit.**

SECTION 3. IC 7.1-3-19-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. ~~New Permits in Residential Districts: Hearing.~~ The commission shall consider the matters which may be brought out at the hearing and the sentiments of the residents in making the determinations required by ~~IC 1971, 7.1-3-19-13;~~ **section 13 of this chapter.** Further, if at the hearing, there is presented to the commission a verified written remonstrance bearing the signatures of at least fifty-one percent (51%) of the registered voters of the residential district, the commission:

(1) shall be bound to find in the affirmative and to deny the application **for a new retailer's permit or a new liquor dealer's permit; or**

(2) may consider denying the application for transfer of the ownership of a liquor dealer's permit for a package liquor



1           store or for renewal of a liquor dealer's permit for a package  
2           liquor store.

3           SECTION 4. IC 7.1-3-19-16 IS AMENDED TO READ AS  
4           FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. ~~New Permits in~~  
5           ~~Residential Districts: Exceptions.~~ The provisions of ~~IC 7.1-3-19-13;~~  
6           ~~7.1-3-19-14; and 7.1-3-19-15;~~ **sections 13 through 15 of this chapter**  
7           do not apply to:

- 8           (1) the renewal of existing retailer's permits; ~~nor to~~
- 9           (2) the renewal of existing liquor dealer's permits (**other than a**  
10           **liquor dealer permit for a package liquor store**); ~~nor to or~~
- 11           (3) a nationally chartered veteran's organization which has  
12           occupied the same premises for ten (10) years prior to making  
13           application for a club permit.

14           SECTION 5. IC 7.1-3-19-17 IS ADDED TO THE INDIANA CODE  
15           AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16           1, 2014]: Sec. 17. (a) **This section applies to any application to:**

- 17           (1) **renew a liquor dealer permit for a package liquor store; or**
- 18           (2) **transfer only the ownership of a liquor dealer permit for**  
19           **a package liquor store.**

20           (b) **In addition to the applicant's eligibility to hold a permit, the**  
21           **commission shall investigate the continued desirability of the**  
22           **permit at the location for which the permit was issued. In making**  
23           **the determination under section 13(b) of this chapter, the factors**  
24           **that the commission may consider include the following:**

- 25           (1) **The need for the services provided under the permit at the**  
26           **location.**
- 27           (2) **The desire of the neighborhood or the community to**  
28           **receive the services provided under the permit.**
- 29           (3) **The impact of the services provided under the permit on**  
30           **other businesses in the neighborhood or community.**
- 31           (4) **The impact of the services provided under the permit on**  
32           **the neighborhood or community.**

33           SECTION 6. IC 7.1-3-24-13 IS ADDED TO THE INDIANA CODE  
34           AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
35           1, 2014]: Sec. 13. (a) **This section applies only to an application to**  
36           **transfer only the ownership of a liquor dealer permit for a package**  
37           **liquor store.**

38           (b) **The commission must consider the factors set forth in**  
39           **IC 7.1-3-19 in determining whether to approve or deny the**  
40           **application.**

